

A-3930 - Application No. 10/799,098
Response to Office action December 10, 2008
Response submitted March 10, 2009

Remarks/Arguments:

Reconsideration of the application is requested.

Claims 1, 3-8, 12, 13, and 15-17 remain in the application.
Claim 16 has been amended. Claims 2, 9-11, and 14 were
previously cancelled.

In item 3 on page 4 of the above-identified Office action,
claim 16 has been rejected as being fully anticipated by
Bergmeier et al. (U.S. Patent No. 5,092,578) (hereinafter
"Bergmeier") under 35 U.S.C. § 102.

The rejection has been noted and the claims have been amended
in an effort to even more clearly define the invention of the
instant application. The claims are patentable for the
reasons set forth below. Support for the changes is found in
claim 6 of the instant application.

Before discussing the prior art in detail, it is believed that
a brief review of the invention as claimed, would be helpful.

Claim 16 calls for, *inter alia*:

said second lifting apparatus including at least one nozzle with an air jet aimed in the sheet transport direction substantially tangentially over the first sheet of the overlapping stream, and said second lifting apparatus having a free jet nozzle in addition to said nozzle, said free jet nozzle being disposed upstream of said at least one nozzle in the sheet transport direction, and said free jet nozzle being aimed at the overlapping sheet stream obliquely from above in the sheet transport direction.

The Burgmeier reference discloses a sheet feeder in a sheet-processing machine.

The reference does not show said second lifting apparatus including at least one nozzle with an air jet aimed in the sheet transport direction substantially tangentially over the first sheet of the overlapping stream, and said second lifting apparatus having a free jet nozzle in addition to said nozzle, said free jet nozzle being disposed upstream of said at least one nozzle in the sheet transport direction, and said free jet nozzle being aimed at the overlapping sheet stream obliquely from above in the sheet transport direction, as recited in claim 16 of the instant application.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claim 16. Claim 16 is, therefore, believed to be patentable over the art.

A-3930 - Application No. 10/799,098
Response to Office action December 10, 2008
Response submitted March 10, 2009

In view of the foregoing, reconsideration and allowance of claim 16 is solicited.

It is appreciatively noted from item 3 on page 3 of the Office action that claims 1, 3-8, 12, 13, 15, and 17 are allowable.

In the event the Examiner should still find any of the claims to be unpatentable, counsel respectfully requests a telephone call so that, if possible, patentable language can be worked out.

If an extension of time for this paper is required, petition for extension is herewith made.

A-3930 - Application No. 10/799,098
Response to Office action December 10, 2008
Response submitted March 10, 2009

Please charge any other fees which might be due with respect
to Sections 1.16 and 1.17 to the Deposit Account of Lerner
Greenberg Stemmer LLP, No. 12-1099.

Respectfully submitted,

/Alfred K. Dassler/

Alfred K. Dassler
Reg. No.: 52,794

AKD:

March 10, 2009

Lerner Greenberg Stemmer LLP
Post Office Box 2480
Hollywood, FL 33022-2480
Tel: (954) 925-1100
Fax: (954) 925-1101